

**Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the matter of)	
)	
Petition for Rulemaking to establish a Low Power AM)	RM-11287
Radio Service)	
)	

SUMMARY

REC Networks is filing comments well ahead of the deadline in this proceeding in order to engage additional discussion on this issue as well as an opportunity for more citizens to help design what can be an exciting new radio service.

In our comments, we will be supporting the concept of a Low Power AM (LPAM) service as a Non-Commercial Educational (NCE) service only. This is due to our desire to maintain the service without any mandatory auctions as well as protect the service as a true community resource not motivated by profit. While we can understand that these stations would like to air commercials and make just enough to pay the bills, the existing underwriting rules can support sponsorship identification. Those who support a radio station should do so because they appreciate the service the station is doing and not solely to have their name heard on the air.

From a technical standpoint, we are going to suggest that 9 channels in the extended AM band be available for LPAM stations using a simplified distance spacing criteria similar to what has been done in this band in the past. We will recommend two classes of LPAM stations, including a 100 watt service that will be available in areas with lower population density and a 30 watt service available nationwide.

From a regulatory standpoint, we feel that a lot of the regulatory foundation that is already in place with the Low Power FM (LPFM) service can also be used for the LPAM service.

We will also address issues around "part time" Travelers Information Stations, which may be used less than a few times a month and how these stations in the extended AM band are not spectrally efficient.

We also recognize the needs and concerns of those who broadcast using very low power under Part 15 of the Commission's Rules.

We thank the Commission for assigning an "RM" number to this proceeding and allowing public comment on this service.

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COMMENTS OF REC NETWORKS

1. REC Networks ("REC") is a supporter of locally owned and diverse radio. REC currently operates several Internet only radio stations. REC also operates several websites including the original LPFM Channel Search Tool¹. REC Networks also represents the interests of independently owned Low Power FM ("LPFM") broadcast stations and their listeners. REC also follows issues that involve the availability of media in rural and underserved areas.

2. The Commission has before it, a *Petition for Rulemaking* ("petition") by The Amherst Alliance, Michigan Music Is World Class!, LPAM Network, Nickolaus Leggett and Don Shellhardt ("joint petitioners") to create a new Low Power AM ("LPAM") service.

REC SUPPORTS CREATION OF AN LPAM SERVICE

3. REC definitely supports the creation of a new LPAM broadcast service. We do feel, however, that the service as proposed in the petition has some fatal flaws in which the Commission has no statutory authority to implement and can result in undesired results for the advancement of a community based local radio service.

¹ - <http://www.LPFM.WS>

4. As REC has presented in previous proceedings that even if the Radio Broadcast Protection Act is repealed thus allowing LPFM stations to operate on third-adjacent channels, some major urban areas such as Los Angeles, New York, San Francisco, Chicago and Detroit will still not be able to obtain LP-100 or LP-10 facilities for their communities². We do feel that an LPAM service operating on 9 channels in the extended AM broadcast band can meet the needs of many of these urban areas by providing a community broadcast service.

**THE COMMISSION LACKS STATUTORY AUTHORITY TO ESTABLISH A
COMMERCIAL LPAM SERVICE WITHOUT AUCTIONS**

5. The Joint Petitioners are suggesting that the new LPAM service have the ability to "air commercials"³ and have "freedom from mandatory auctions"⁴ claiming specifically that the auction mandate was "enacted *before* [emphasis from original document] the Commission began to even consider the licensing of Low Power Radio stations" and that an argument can be made that commercial LPAM stations "do not fall within scope of the scope of the original Congressional intent".

6. REC disagrees with the Joint Petitioners in this assumption. Section 309(j)(1) of the Communications Act of 1934 ("the Act") shows that Congress' intention was that competitive bidding would apply to for "any initial license or construction permit". Section 309(j)(2)(C) of the Act specifically exempts non-commercial educational stations as defined in Section 397(6) of

² - See *Creation of a Low Power Radio Service - Further Notice of Proposed Rulemaking* March, 2005 - Comments of REC Networks, specifically the attached maps.

³ - Petition at 8, item number 7.

⁴ - Petition at 8, item number 8.

the Act. We note that Section 309(j)(2) of the Act also exempts public safety organizations⁵ as well as to incumbent television broadcasters to foster the transition to digital television.

7. We are unable to locate any provisions in Section 309(j) of the Act that would even suggest that there could be an exemption for any future services and technologies such as an LPAM service. If the Commission was to exempt commercial LPAM from auctions as a new service that does not "fall within the scope of the original Congressional intent", not only would it undermine the intent of Section 309(j) of the Act but opens the door for other commercial services to also be exempt from auction citing LPAM.

8. We disagree with the Joint Petitioner's logic relating to the Commission establishing rulemaking for the LPAM service contingent on Congressional action that would specifically exempt LPAM from mandatory auctions. The Commission was established and acts at the direction of Congress⁶, not the other way around. The Commission can't amend the Communications Act nor is it appropriate in this matter for valuable and finite Commission resources to be lobbying Congress to pass an amendment to the Communications Act to allow for commercial LPAM. If it is eventually the intention of Congress to provide a commercial low power AM (and/or FM) broadcast service that is exempt from competitive bidding, then it will amend the Act and then we can address a commercial low power broadcast service at that time.

⁵ - We also note that in the public safety exemption, the facilities may not be made "commercially available to the public."

A COMMERCIAL LPAM SERVICE WILL NOT PRODUCE THE "COMMUNITY BASED" SERVICE THE JOINT PETITIONERS ARE HOPING FOR

9. If a commercial LPAM service was created (regardless of whether or not auctions were mandatory), there is no guarantee that the individuals, small businesses or organizations that would receive a commercial LPAM license will provide "better community coverage, expanded exposure for local performers and affordable radio advertising for small local businesses⁷." While the Commission can control some aspects of ownership, such as cross-ownership with other media holdings⁸, there is no guarantee that the specific licensee would provide any such benefits. While the Commission has the regulatory and constitutional authority to promote an agenda of locally originated programming, it can't specify the entertainment content of any program⁹.

10. With that in mind, even if the Commission was to require a "local ownership" rule, similar to what was done with LPFM¹⁰ as well as preferential treatment for applicants who pledge a specific amount of local programming¹¹ in a broadcast day, the Commission has no authority to prevent a local business, such as a car dealer from running a 100 watt LPAM station running a continuous loop recording advertising descriptions of all of the automobiles that they

⁶ - See Communications Act, 47 USC 151.

⁷ - Joint Petition at 6, item 1.

⁸ - See §73.860(a).

⁹ - Barring any rules relating to obscenity, lottery information, false distress signals as well as any content regulated by the Federal Trade Commission (advertising for cigarettes and little cigars). See also WDCU(FM), Washington DC BALED-970630GE and BALED-970815GE (Commission denies Informal Objection over concerns about C-SPAN's qualifications as a non-commercial educational license and specifically addresses concerns by listeners that the elimination of a jazz music format is not grounds to overturn an assignment of license.)

¹⁰ - See §73.853(b).

¹¹ - See §73.872(b)(3).

have for sale. Since that recording was made within a particular distance from the transmitting antenna, it can be seen as "local origination" programming.

11. Therefore, based on the financial burden as well as the complexities around the service, not to mention the potential for first amendment challenges, REC must oppose a commercial LPAM service.

REC SUPPORTS A NONCOMMERCIAL EDUCATIONAL LPAM SERVICE

12. REC supports the creation of a *non-commercial educational* LPAM service that would supplement the existing LPFM service, especially in areas where LPFM channels are not available, even if Congress allows LPFM stations to no longer protect third-adjacent channels of full power and FM translator stations.

13. A non-commercial LPAM service can be fairly easily overlaid on the existing regulatory infrastructure of LPFM by using many of the same eligibility and ownership limits that exist in those rules.

14. The LPFM service has already proven itself as a viable service for providing an alternative means for those who would be otherwise not privileged to access the airwaves. LPFM stations such as WTND-LP in Macomb, Illinois provide local weather and emergency information to their community as well as surrounding areas. WTND-LP also runs specific programming including a combination of local origination, satellite and internet-fed

programming that address the physically challenged and foreign student population¹² of this college town as well as a diverse variety of music that is not available on other (free) terrestrial broadcast stations. Other LPFM stations across the country, both secular and religious pledged to operate a certain amount of local programming and they are meeting the needs of their community. We don't feel that this would have been possible if LPFM was commercial.

OTHER SPECIFIC ISSUES IN THE PETITION

15. Various issues in this petition that relate to ownership, eligibility and residency requirements will be addressed later in these comments.

16. "Bonus Points". The petitioner is proposing that "bonus points" (supposedly for the selection procedure for mutually-exclusive LPAM applications) based on whether the station broadcasts "worthwhile programming of a nature that is not found on the dial in the area being served¹³". The Joint Petitioners give an example of how a programmer who wishes to program a jazz format should have priority over an evangelical Christian organization because there may be other Christian or religious format stations within the listening area. Again, REC depends on the Commission's ruling in WDCU(FM) where the Commission is not in the business of regulating entertainment format and is constitutionally prohibited from making licensing decisions based on an applicant's choice of entertainment format¹⁴. REC commends the Joint Petitioners for coming

¹² - REC Networks provides 4-hours a week of internet-fed foreign language programming to WTND-LP.

¹³ - Joint Petition at 7, item 5.

¹⁴ - REC also cautions that any consideration by the Commission around preferential treatment by entertainment format could create a whole new backlash similar to what the Commission has suffered with rumors stemming from a misconception of RM-2493 (see 54 FCC 2d 941). 30 years later, the Commission still receives many inquiries regarding the "proposed" regulation of "religious programs".

up with a creative way to address the issue with too many stations with similar formats in a particular listening area, but we must oppose this concept as it could curtail a licensee from operating an entertainment format that meets the specific needs of the community as well as meet the specific goals of the licensee.

17. Mandatory Time Sharing. While we feel that mandatory time-sharing is a disposition method that may not be agreeable to all potential licensees, but we feel that compared to the "successive license term" process¹⁵ that is currently done for LPFM, our proposed mandatory time-sharing plan would allow up to three competing applicants who otherwise would not reach a universal settlement due to differences in the missions of each organization a chance at the microphone without having to wait several years after building the station their turn on the air just to have their license not-renewable.

18. Station hours of operation and power levels. While we agree that LPAM stations that are not subject to a time share agreement should be allowed to operate at night whenever possible, we are concerned that the petition does not explore the engineering impacts of 100 watt stations operating at night to skywave interference (both giving and receiving). Since REC's version of the LPAM proposal only calls for stations to exist in the extended AM band, there will not be skywave service area protections to US Class A broadcast stations that Travelers Information Stations are required to protect¹⁶. We also note that extended AM broadcast band

¹⁵ - See §73.872(d).

¹⁶ - See §90.242(a)(2)(i).

stations operating at 1 kW definitely produce skywave propagation and could render some LPAM stations useless at night.

OUR VISION OF LPAM

19. REC visions an LPAM service that is more consistent with the current LPFM service from an administrative standpoint. From an engineering standpoint, REC subscribes to a modified version of the original Baumgartner LPAM Petition¹⁷. Some aspects of the Baumgartner Petition, specifically where it relates to spacing of stations, will make the determination of service availability, the construction permit and license process almost as simple as the LPFM service.

Channels (Frequencies) available.

20. REC proposes that only carrier frequencies from 1620 to 1700 kHz in 10 kHz steps be made available within ITU Region 2 areas.

21. Use of 1610 kHz. We have specifically excluded 1610 kHz from consideration. This was done due to the large number of Travelers Information Stations operated by both Part 90 eligible licensees and federal government users. This channel has also not been considered because 1610 kHz is a very popular channel for unlicensed stations operating under Part 15 of the Commission's Rules. We feel that this channel and as we will mention later, 1710 kHz should be made available for those who have extremely low power applications. We have also

¹⁷ - See Comments of Frederick Baumgartner and Nickolaus Leggett, RM-10803.

excluded 1610 kHz to prevent any second adjacent channel issues with stations operating on 1590 kHz.

22. ITU Region 3. Within ITU Region 3 (Guam and American Samoa), the extended AM broadcast band is not available. Therefore, we will recommend that LPAM stations within this area can use any channel that is available in the AM broadcast band (with 9 kHz spacing). Since most stations in this area operate with facilities similar to extended AM band stations in Region 2, we will recommend the same distance separation within ITU Region 3.

Classes of LPAM Stations

23. Class "E-1". E-1 is similar to the 100-watt service in the Baumgartner Petition. E-1 stations will provide 59 m/Vm at 1 km. Class E-1 stations will only be available in less populated areas. REC proposes a method of measuring the population of the center-points of Census Blocks within the 5 mile radius of the station coordinates. If that calculation is less than 20,000 persons, then the location is eligible for E-1 stations¹⁸. We feel that our method of determining availability of the higher class of service is a much simpler than the use of MSAs and takes into consideration rural "pockets" within some suburban areas which although surrounded by urbanized areas could benefit from the E-1 class of stations.

¹⁸ - REC currently has a search tool that shows the availability of LPAM channels using the parameters outlined in this pleading. The search tool also includes the functionality to determine if the location is eligible for E-1 stations based on population density. The search tool can be found at <http://www.LPAM.WS>

24. Class "E-2". E-2 is similar to the 30-watt service in the Baumgartner Petition. E-2 stations will provide 18 m/Vm at 1km. E-2 is available in all areas with no population restrictions.

Minimum Spacing Between Stations

25. In the Baumgartner Petition, a minimum distance spacing method was suggested. This is similar to the rules in LPFM that specify a minimum distance separation. We note that the FCC has already recognized distance spacing in the AM service more than once. Distance spacing between AM stations was used when originally building the extended AM band Allotments¹⁹, it's also in the extended AM band international agreement between the United States and Mexico²⁰. Part 90 also has distance separation rules between non-commonly owned co-channel Traveler's Information Stations²¹.

26. While many in the LPFM community are looking into a way to bring a "prohibited overlap" protection model to that service²², there are distinct differences between LPAM and LPFM to suggest distance spacing. Mainly, unlike FM, there are not as many different "classes" of stations. In the extended band, a majority of the stations are 10 kW

¹⁹ - See "Expanded AM Band Fact Sheet" at <http://www.fcc.gov/fcc-bin/audio/1997-04-18-attachC.html> , specifically question #6 which suggests distance spacing (e.g. " Proposals to locate at distances greater than 20 kilometers from the allotment coordinates will be evaluated on a case-by-case basis and will be subject to the co-, first, and second adjacent channel distance separation requirements for expanded band stations, *i.e.*, 800, 200, and 53 kilometers, respectively.")

²⁰ - See Agreement between the Government of the United States of America and the Government of the United Mexican States for the use of the band 1605 to 1705 kHz in the AM broadcasting service" at Annex 1 - section 1.1.11.

²¹ - §90.242(b)(5).

daytime and 1 kW at night, non-directional. Most of the Traveler's Information Stations are 10 watts non-directional. This is a far difference from the FM broadcast service with several classes of full power stations, not to mention translators and LPFM stations with differing powers and directional antenna patterns. Therefore, unlike FM, the extended AM band has a pretty "clean" environment of stations right now without many "one-off" stations. Therefore, REC will recommend a minimum distance spacing model for determining the amount of space between stations.

27. The Baumgartner Petition calls for "overprotection" of AM stations by assuming stations are operating at 10 times higher power based on a ground conductivity of 30. These stations are then overprotected more by taking the minimum required distance and then doubling it. The Joint Petitioners have recommended have recommended at least a 25% reduction in this safety zone²³. REC agrees to such a reduction.

²² - See Creation of a Low Power Radio Service, MM Docket 99-25, comments of Citizens Commenters (Prometheus Radio Project), August 22, 2005 at page 2.

²³ - Joint Petition at 11.

28. REC proposes that E-1 and E-2 LPAM stations be subject to the following distance spacing requirements:

CLASS E-1 100W STATIONS

Other Station	Co-Channel	First Adjacent	Second Adjacent
Full Power AM	319 km	197 km	60 km
TIS	24 km	24 km	None
LPAM E1 (100W)	90 km	45 km	None
LPAM E2 (30W)	40 km	20 km	None

CLASS E-2 30W STATIONS

Other Station	Co-Channel	First Adjacent	Second Adjacent
Full Power AM	254 km	133 km	60 km
TIS	16 km	16 km	None
LPAM E1 (100W)	40 km	20 km	None
LPAM E2 (30W)	25 km	16 km	None

29. REC feels that these protections are an equitable distribution of LPAM facilities while protecting current and future TIS and Part 15 operations and provides substantial overprotection to full power AM stations.

30. We propose to allow LPAM stations to be short spaced to other LPAM stations as a part of a universal settlement agreement between the stations involved in the short spacing as long as the short spacing follows good engineering practice.

Canada and Mexico

31. International agreements with Canada and Mexico do not specify any language specific to LPAM stations except that Travelers Information Stations are not afforded any protection and must protect foreign stations. As mentioned, we will propose the same spacing between LPAM and stations in Canada and Mexico as we do for domestic stations. LPAM

stations should be able to explore the use of directional antennas to reduce radiation into the foreign country.

Interference Protection to Full Power Stations

32. The Baumgartner petition states that an extended band full power AM station operating 10 kW daytime in an area with a ground conductivity of 30 has a 0.5 mV/m protected contour of 142 km. The absolute minimum separation required between a full power AM station and a 100 -Watt (E-1) LPAM station is 187 km. Since the Baumgartner petition calls for 363 km spacing between a full power AM and a 100 watt LPAM station²⁴, this creates a "buffer zone" of 176 km. Based on Baumgartner's findings, we can state that legal interference for a 100-Watt (E-1) LPAM station would occur if subsequent full power AM activity would bring a station within 187 km of the 100 Watt (E-1) station. We will consider the same minimum separation for legal interference from a 30 Watt (E-2) station. This subsequent station protection will be afforded on co-channel and first adjacent channel.

AM Stations on 1590 and 1600 kHz

33. A majority of stations on 1590 and 1600 kHz operate at inferior powers compared to Model I expanded band AM stations. If we exclude 1610 kHz from the LPAM service, we will not have to address directional antennas and higher powered stations on first adjacent channel 1600 kHz. The use of 1620 kHz may be further restricted near areas where stations with over 10 kW are operating on 1600 kHz:

Call	Facility ID	Daytime kW	Location
WWRL	68906	25kW DA2	New York, NY
KVRI	5350	50kW DA2	Blaine, WA
WAOS	36157	20KW ND2	Austell, GA
WMQM	42369	50kW ND2	Lakeland, TN

Antennas

34. REC feels that the Baumgartner proposal is too restrictive especially in the area of helically wound antennas. We support LPAM as a non-directional service except in cases of stations near international borders and short spaced LPAM stations operating under a settlement agreement. In no case should a directional antenna create a protected contour in any direction at a distance farther than that of a non-directional station operating at maximum authorized facilities.

35. We support the Joint Petitioner's proposed restriction on horizontal antennas and a minimum of 3 feet of fencing. Antennas located on roofs of buildings should be exempt from this rule as long as the roof is not normally accessible by the general public.

Operating Schedule

36. REC recommends an operating schedule rule similar to §73.850 for LPFM stations. LPAM stations may operate unlimited time (some may choose not to operate at night due to skywave interference. LPAM stations must accept all skywave interference). Stations must operate 36 hours a week, no less than 5 hours a day and no fewer than 6 days a week.

²⁴ - The 363 km figure was from the original Baumgartner petition. As a result of comments from the Joint Petitioners, we reduced the separation to 319 km for E-1 (100 watt) stations.

School stations are not required to operate on weekends or during recess and vacation periods. Any singleton LPAM station operating with less than an unlimited schedule (including nighttime) is subject to mandatory timesharing by subsequently authorized LPAM stations.

License Requirements and Service

37. REC supports a non-commercial LPAM service with eligibility rules similar to that of LPFM (see §73.853) except that local ownership provisions of §73.853(b) would apply permanently and not expire after two years. Also, public safety entities would not be able to apply for LPAM stations as a similar service (TIS) is already available on AM.

Ownership Limits

38. REC supports LPAM ownership limits be aggregated with LPFM ownership under §73.855. Therefore, under current rules, no one entity can own more than an aggregated total of 10 stations, either LPFM and/or LPAM. No organization can have more than one LPFM and/or LPAM station within 12 km of another commonly owned LPFM and/or LPAM station.

Attributable Interests and Cross-Ownership

39. REC supports rules similar to §73.858 and §73.860, which prohibits other media cross-ownership. LPFM entities can also own LPAM stations in accordance to the ownership limits and required separation specified in the previous paragraph. REC supports the "student station" exception in §73.860(b) to also apply to the LPAM service.

Assignments and Transfers

40. LPAM stations should be subject to the same process as LPFM as specified in §73.865.

Minor Changes and Amendments

41. REC supports the following changes as minor changes in the LPAM service:

- Change of locations within an 8 km (5 mile) radius for all LPAM classes.
- Change of channels due to predicted or actual groundwave interference to or from a currently or subsequently licensed Full Power AM or TIS station. (Channel changes due to degraded nighttime and critical hours service as a result of skywave interference will only be accepted as major changes during a window.)
- Downgrades in class from 100 watts to 30 watts.

Mutually Exclusive (MX) Applications

42. REC supports universal settlement agreements whenever possible in order to resolve LPAM MX issues. LPAM stations should be allowed to amend applications to reduce power to accommodate two otherwise short spaced stations the ability to simultaneously operate.

43. If a universal settlement between all of the proponents can't be reached, the following process would apply to resolve the MX situation:

(1) A point system would be used that is similar to LPFM is indicated in §73.872(b) with the following exception that proposed operating hours would be restated that the applicant pledges to operate full time between local sunrise and local sunset.

(2) Voluntary Time Sharing proposals. Non-universal settlement time share proposals can be submitted among all equally qualified proponents. Those points will be aggregated. Time share specifics would be similar to those for LPFM as stated in §73.873(c).

(3) If a tie can still not be resolved, we propose a concept of forced timesharing that is a complete departure from the current LPFM rules as state in §73.872(d). If there are 3 or fewer proponents, timesharing preference will be based on local community presence (as evidenced by an organization's incorporation papers filed with a competent body such as a Secretary of State or Corporation Commission). The FCC will allow each applicant to "bid" on which time slot they wish to operate between. Each time slot will include a mixture of daytime and nighttime hours. Applicants subject to timeshare are not obligated to broadcast during their nighttime slot. The time slots will be as follows:

IF THERE ARE TWO APPLICANTS:

SLOT 1	SLOT 2
12 midnight to 12 noon local time	12 noon to 12 midnight local time

IF THERE ARE THREE APPLICANTS:

SLOT 1	SLOT 2	SLOT 3
6AM-10AM (Daytime) 2AM-6AM (Nighttime)	10AM-2PM (Daytime) 10PM-2AM (Nighttime)	2PM-6PM (Daytime) 6PM-10PM (Nighttime)

There are better slots than others. This is intentionally done to encourage groups to enter into time share agreements and not have to have their slots assigned to them.

44. If there are more than three equally qualified applicants, the top 3 applicants based on local community presence will be chosen to go on using the "shift bidding" process outlined above. All remaining applicants will be dismissed.

45. REC does not support the use of Successive License Terms as used in LPFM.

License Terms

46. LPAM license terms will follow the same procedure of other broadcast services.

Since we are not proposing successive license terms, there will be no "one-off" processes.

Station Logs for LPAM and Inspection of Records

47. Same as LPFM in §73.877 and §73.878.

Signal Retransmission

48. LPAM stations may not retransmit the signal of a full power station either terrestrially or via satellite. LPAM stations can rebroadcast other LPAM or LPFM stations.

Equal Employment Opportunities

49. Same as LPFM §73.881.

Other Rules and Procedures

50. Rules for other aspects of the service such as call signs and auxiliary services should mirror that of the LPFM service.

PROPOSED CHANGES TO OTHER RADIO SERVICES

51. Part 15 AM Broadcasters. There are currently a significant number of very low powered AM stations operating under Part 15 of the rules. These stations using transmitters such as the Hamilton Rangemaster have been fairly successful. Some in the Part 15 community are concerned that the LPAM service will foreclose on their opportunity to operate their services. While we agree that some LPAM assignments may displace Part 15 extended band stations in the same way that Travelers Information Stations can displace Part 15 stations, the substantial overprotection between full power and LPAM stations being proposed will continue to afford Part 15 stations many opportunities to operate within those "safety zone" without receiving interference from the full power and the LPAM stations.

52. Extension of Part 15 rules to include 1710 kHz. To also address the needs of Part 15 broadcasters, we are asking the Commission to extend various Part 15 rules intended for AM broadcast reception from 1705 kHz to 1715 kHz as the upper frequency. This will eliminate a grey area about the legality of using 1710 kHz by Part 15 operations and provide a frequency that will be free of LPAM stations. Earlier we also proposed that 1610 kHz remain clear of LPAM stations for various reasons including impacts to Part 15 AM stations.

53. Part-Time Travelers Information Stations (TIS). Some jurisdictions that hold Part 90 TIS authorizations do not use them full time. Instead, they are only activated during an emergency. Travelers are usually advised to tune-in the TIS only when signs with lights are flashing. Such Part-Time TIS stations have the potential to stifle the growth of LPAM services,

especially in areas like Los Angeles. The FCC is looking at requiring Part 90 licensees to classify whether their stations are part-time or full-time. Part-time TIS should be moved to frequencies 530-1610 kHz. Only full time TIS should be allowed on 1620-1710 kHz

CONCLUSION

54. REC supports the concept of a new low power broadcast service as this will provide some well needed overflow relief, especially in the metropolitan areas that are otherwise precluded from obtaining LPFM service. We do feel that the commercial service proposed is unfeasible due to statutory and constitutional issues. We therefore urge the Commission to move forward for rulemaking the establishment of a Non-Commercial Educational Low Power AM broadcast service using aspects of the original petition, our comments, the Baumgartner petition as well as the regulatory foundation of the existing Low Power FM radio service.

Respectfully Submitted,

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